REMARKS

I. STATUS OF THE CLAIMS

This is intended to be a full and complete response to the Office Action dated December 8, 2006. Claims 1-3, 7-8, 11, 14-16, and 19-25 are pending in this application. Clams 1, 5, 6 and 15 have now been amended. Claim 5-6 have been canceled. Claims 21-25 have been withdrawn from consideration as drawn to a non-elected invention. In view of the following discussion, the Applicants believe that all claims are in allowable form.

II. THE CLAIMED INVENTION IS PATENTABLE OVER SLAVCHEFF

The Examiner rejected original claims 1-3, 14-16, 19 and 20 under 35 U. S. C. § 102 (b) as being anticipated by U.S. patent 6, 270,783 to Slavcheff et al. ("Slavcheff") or in the alternative under 35 U.SC. 103(a) as being obvious in light thereof. In response, Applicants respectfully submit that Slavcheff fails to teach or suggest any product comprising a water-insoluble substrate, a liquid impregnate present in a weight ratio to the water-insoluble substrate that is greater than about 5% and microcapsules comprising a microcapsule wall surrounding a liquid core, wherein the microcapsule wall comprises a polyamine. The Examiner has acknowledged that Slavcheff teaches "adhesive strips that are 'dry-to the touch,' and so the reference does not teach or suggest any product for use on the skin that comprises a liquid impregnate." However, the Examiner asserts that "the strip is still impregnated with liquid, and 'dry-to-the-touch' does not mean that zero liquid is present," and thus, the Examiner maintains that this limitation is satisfied.

Slavcheff's makes an explicit characterization of the strip as being "dry to the touch," "dried at 75°C" as well as "cutting the dried strips" (see Slavcheff at column 9, lines 1-4). As such, Applicants maintain that Slavcheff does not necessarily teach any liquid impregnate, let alone liquid impregnate in a weight ratio to a water-insoluble substrate that is greater than about 5%, nor Applicants additional limitation regarding the viscosity of the liquid impregnate. Furthermore, Slavcheff does not teach or suggest a microcapsule wall comprising a polyamine, as required in Applicants amended claim 1. Accordingly, Slavcheff

fails to teach or suggest any product for use on the skin that comprises a liquid impregnate in combination with a substrate as claimed. The Examiner's rejection is therefore improper and should be withdrawn.

The Examiner has further asserted that that Slavcheff provides ample teaching to use amounts of impregnate that will at least render obvious the claims at hand. In reply, Applicants respectfully submit that Applicants' invention as recited in amended claim 1, requires a microcapsule wall comprising a polyamine. Applicants have discovered and demonstrated superior and unexpected results associated with materials of the claimed invention having a microcapsule wall comprising a polyamine as compared to materials with a microcapsule wall that do not comprise a polyamine, as in Slavcheff. Slavcheff only teaches the use of a liquid crystal material, a "microencapsulated chiral nematic" (see column 2, lines 40-41). As such, Slavcheff fails to teach or suggest microcapsule walls comprising a polyamine nor provides any motivation to modify the wipes taught therein to achieve the claimed invention. Applicants have further provided test results that clearly show that products of the claimed invention perform differently than prior art products that do not comprise a microcapsule wall that comprises a polyamine and rebut any prima facie case asserted by the Examiner.

More specifically, as shown in the attached Rule 132 Declaration, Applicants have measured the "increase in whiteness," "reduction in redness," and "decrease in sallowness" associated with products of the claimed invention and a comparable product have a microcapsule wall that does not comprise a polyamine, specifically POLYPORE E200, an allyl methacrylate crosspolymer.

The "increase in whiteness" relates to the product's ability to provide a nearly immediate effect of additional whiteness to the skin, larger positive value indicating the beneficial effect of greater ability to increase whiteness. As shown in Table 1 in the attached appendix , the increase in whiteness for Inventive Example 1 tends to be about four times better than Comparative Example 2 (no microcapsule), and Comparative Example 3 (with POLYPORE E200) actually showed a decrease in whitening. Furthermore, "decrease in redness" relates to the product's ability to provide a nearly immediate effect of reduced redness to the skin, larger negative value indicating the beneficial effect greater ability to

reduce redness. As again shown Table 1, the decrease in redness for Example 1 tends to be about twelve times better than Comparative Example 3 (with POLYPORE E200). Furthermore, "decrease in sallowness" relates to the product's ability to provide a nearly immediate effect of reduced yellowness to the skin, larger positive value indicating the beneficial effect greater ability to reduce sallowness. As again shown Table 1, the reduction in sallowness for Example 1 tends to be about three to four times better than Comparative Example 3 (with POLYPORE E200).

Such significant and unexpected whitening and reduction in redness are not taught or suggested in Slavcheff. It is only through the Applicants invention that such association has been discovered. Accordingly, one of skill in the art would not have been motivated, nor have had any likelihood of achieving, such beneficial results by modifying Slavcheff. Accordingly, the claimed invention is patentable thereover.

III. THE CLAIMED INVENTION IS PATENTABLE OVER LANG

The Examiner rejected original claims 1-3, 5-8, 11, 14-16, 19 and 20 under 35 U. S. C. § 103 (a) as being unpatentable over U.S. patent 6, 429,261 to Lang et al. ("Lang"). More specifically, the Examiner acknowledged that Lang does not specifically teach a wipe containing all claimed elements, including microcapsules, but nevertheless asserts that it would have been obvious to incorporate microcapsules in a wipe according to the teachings of Lang to achieve the claimed invention. The Examiner further asserts that "Applicants purported unexpected results are not commensurate with the scope of the claims at hand" since it "fails to compare the product of the invention with the product of the reference."

In reply, Applicants maintain that Lang fails to provide any teaching, suggestion, or motivation to specifically select the claimed elements from among the laundry list of optional components listed therein to achieve the claimed invention and the unexpected results discovered by applicants to be associated therewith. Applicants further respectfully submit that Applicants' invention as recited in amended claim 1, requires a microcapsule wall comprising a polyamine. Lang fails to teach or suggest microcapsule walls comprising a polyamine nor provides any motivation to modify the wipes taught therein to achieve the claimed invention. Applicants have further provided test results that clearly show that

products of the claimed invention perform differently than prior art products that do not comprise a microcapsule wall that comprises a polyamine and rebut any prima facie case asserted by the Examiner.

More specifically, as shown in the attached Rule 132 Declaration and discussed above, Applicants have measured properties associated with products of the claimed invention and a comparable product have a microcapsule wall that does not comprise a polyamine, specifically POLYPORE E200, an allyl methacrylate crosspolymer, the specific microcapsule suggested by Lang.

Such significant and unexpected whitening and reduction in redness are not taught or suggested in Lang. It is only through the Applicants invention that such association has been discovered. Accordingly, one of skill in the art would not have been motivated, nor have had any likelihood of achieving, such beneficial results by modifying Lang. Accordingly, the claimed invention is patentable thereover.

VI. CONCLUSION

In light of the amendments and remarks herein, Applicants submit that all claims now pending are in condition for allowance. Accordingly, both reconsideration of this application and swift passage to issue are earnestly solicited. If the Examiner believes that any unresolved issues still exist, it is requested that the Examiner telephone Brett Freeman at 732-524-3428 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

By:___/Brett T. Freeman/_____
Brett Freeman
Attorney for Applicant(s)

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-3428
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DECLARATION ATTACHMENT

Additional examples of suitable liquid impregnates consistent with embodiments of the invention were prepared:

Trade Name	INCI Name	Function	% w/w Ex. 5	% w/w Ex. 6	% w/w Ex. 7
Ascorbyl Glucoside	Ascorbyl Glucoside	Antioxidant; depigmenting agent	1	1	1
Dipotassium Glycyrrhizate	Dipotassium Glycyrrhizate	Anti-irritant	0.05	0.05	0.05
Glycerin	Glycerin	Moisturizing agent	6	6	6
Disodium EDTA	Disodium EDTA	Chelating agent	0.2	0.2	0.2
Sodium PCA	Sodium PCA	Moisturizing agent	0.1	0.1	0.1
Allantoin	Allantoin	Anti-irritant	0.08	0.08	0.08
Potenza Dimethicone	Polyoxymethylene Melamine Urea Microcapsules (8%) with Dimethicone Core	Skin conditioner / Opacifier	5	0	0
Poly-pore E200	Allyl Methacrylate Crosspolymer (100%)	Skin conditioner / Opacifier	0	0	0.4
Niacinamide	Niacinamide	Depigmenting agent	2.5	2.5	2.5
Quest Fragrance Fair Beauty	Fragrance	Fragrance	0.04	0.04	0.04
Hexylene Glycol	Hexylene Glycol	Skin conditioning agent	1	1	1
Keltrol	Xanthan Gum	Viscosity modifier	0.2	0.2	0.2
Mekkins M	Methylparaben	Preservative	0.2	0.2	0.2
Mekkins E	Ethylparaben	Preservative	0.1	0.1	0.1
Sodium Hydroxide	Sodium Hydroxide	pH adjuster	0.27	0.27	0.27
Dermacryl AQF	Acrylates Copolymer	Opacifying agent	3	3	3
Deionized water	Water	Vehicle	80.26	85.26	84.86

The liquid impregnates are made by adding the water to a suitable mixing vessel (the main vessel) and sequentially adding ascorbyl glucoside, dipotassium glycyrrhizate, disodium EDTA, sodium PCA, allantoin, and niacinamide. In a separate vessel, glycerin, methylparaben and ethylpareben are sequentially added and are heated to 80 degrees Celsius until fully dissolved, and subsequently added to the main vessel. Xanthan gum and hexylene glycol are separately mixed until homogeneous and also added to the main vessel. Sodium hydroxide is then added to the main vessel, followed by acrylates polymer, polymethylene Melamine Urea Microcapsules (Example 5 only) or allyl methacrylate crosspolymer Microcapsules (Example 7 only), and the fragrance. For Examples 5, 6 and 7, 24 grams of the impregnate is added to a 203mm x 232mm piece of 60gsm, KP9560 (Sansho Shigyo K.K.) rayon/pulp non-woven fabric, finally as hydrating facial masks.

The hydrating facial masks were evaluated for their ability to provide immediate increase in whitening, immediate decrease in redness, and immediate decrease in sallowness. A CHROMAMETER CR300 (Minolta Co., Ltd., Osaka, Japan) was used to determine the immediate increase in whitening, immediate decrease in redness, and immediate decrease in sallowness. Similar procedure as stated in the invention was conducted. A test subject's face was cleaned with a facial cleanser and allowed to dry. Baseline CHROMAMETER readings were performed by placing the CHROMAMETER against the cheek of the test subject, and taking a measurement to obtain a set of "L", "a", and "b" (colorimetric) readings. The procedure was repeated such that for each cheek, three "L", three "a", and three "b" readings were obtained and then averaged independently for the subject to obtain an average "L" value for each cheek, an average "a" value for each cheek, and an average "b" value for each cheek. The hydrating facial mask was then applied to the face of the subject for 15 minutes, after which the mask was removed and the face was allowed to dry completely (in about 10 minutes). Three separate readings were again taken on each cheek, and the three "L" readings, three "a" readings and three "b" readings were again separately averaged. For each cheek, a difference between the average "L" value before treatment with the mask and the average "L" value after treatment with the mask was determined. The two differences thus calculated for each cheek were then averaged, and reported as immediate increase in whitening (0 = pure black, 100 = pure white). Similarly, the difference between the average "a" value before treatment with the mask and the average "a" value after treatment with the mask was determined for each cheek, averaged, and reported as immediate increase in redness (0 = pure green, 100 = pure red). Finally, the difference between the average "b" value before treatment with the mask and the average "b" value after treatment with the mask was determined for each cheek, averaged, and reported as immediate increase in sallowness (0 = pure blue, 100 = pure yellow).

Results of the experiment for Examples 5, 6 and 7 are tabulated below, with a positive number indicating an increase in the parameter whereas a negative number indicates a decrease in the parameter:

	Whiteness (Change in "L" value)	**Redness (Change in "a" value)**	**Sallowness (Change in "b" value)**
Example 5, with polyoxymethylene Melamine Urea Microcapsules	+ 1.3	- 0.83	+ 0.56
Example 6, without microcapsules	+ 0.29	- 0.52	+ 0.14
Example 7, with different type of microcapsules, Allyl Methacrylate Crosspolymer	- 0.03	- 0.07	+ 0.15

The results show Example 6 (prepared in a similar manner as for Example 5, except that no microcapsules were dispersed in the liquid impregnate) to be also inferior to Example 5, confirming the earlier reported advantage of used microcapsules, Polyoxymethylene

Melamine Urea, in providing benefits with respect to increase in immediate whitening and decrease in redness. When the microcapsule wall breaks, cracks or ruptures under the applied low pressure from the non-woven substrate and the method of applying the hydrating facial mask on the face, it forms a layer on the surface of the skin, providing the observed benefits.

The results also show Example 6 (prepared in a similar manner as for Example 5, but instead a different microcapsule, Poly-pore E200, as set forth by Lang et al, in US Patent 6,429,261, was dispersed in the liquid impregnate; level of which was adjusted to be the same effect as original microcapsules used) to be also substantially inferior to Example 5, indicating that it does not provide benefits with respect to increase in immediate whitening and decrease in redness.